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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,043

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EXAMINER

SINKANTARAKORN, PAWARIS

ART UNIT

PAPER NUMBER

2416

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,043	<b>Applicant(s)</b> SEXTON ET AL.	
	<b>Examiner</b> PAO SINKANTARAKORN	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Scott ET al. (US 5,953,340).

**Regarding claim 1**, Scott et al. disclose a network communication device for bi-directional communication networks, comprising:

a first portion (see Figure 6 reference numeral 172, switch module) connectable to a first point and a second point on the bi-directional communication network (see Figures 4 and 6 and column 10 lines 18-35, a first point corresponds to the second domain 16 and a second point corresponds to the first domain 14, where the first domain and second domain are interconnected via connector ports 154; the adaptive networking device 153 includes a bidirectional converter, thus, the network is a bidirectional network), the first portion being configured to manage collisions among a first set of messages transmittable from the first point to the second point (see column 9 lines 1-9 and column 10 lines 2-4 and 36-58, the switch module reduces the amount of

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data transmitted to each of the ports, which results in a reduced amount of collisions, where the switch module receiving data from the second domain (first point), filtering data to reduce collision, sending filtered data to first domain (second point) ); and

a second portion (see Figure 6 reference numeral 176, repeater module) connectable to the first point and the second point (see Figures 4 and 6, a first point corresponds to the second domain 16 and a second point corresponds to the first domain 14, where the first domain and second domain are interconnected via connector ports 154), the second portion being configured to transmit free of collision management a second set of messages transmittable from the second point to the first point (see column 10 lines 36-50, the repeater module transmits received data to all of the ports associated with the second domain (first point), which corresponds to free of collision management, where the received data is transmitted from the first domain (second point)).

**Regarding claim 2**, Scott et al. further teach the first and second messages are selected from electrical messages (see column 4 line 50, Ethernet LAN transporting electrical signal type).

**Regarding claim 3**, Scott et al. further teach the first portion is a network switch (see Figure 6 reference numeral 172, switch module).

**Regarding claim 4**, Scott et al. further teach the network switch is an analog switch or a digital switch (see column 4 line 50, network 10 in accordance with Ethernet LAN as specified in IEEE 802.3; the switch module is a digital switch).

**Regarding claim 5**, Scott et al. further teach the second portion is a network hub (see Figure 6 reference numeral 176, repeater module).

**Regarding claim 6**, Scott et al. further teach the network hub is an analog hub or a digital hub (see column 4 line 50, network 10 in accordance with Ethernet LAN as specified in IEEE 802.3; the repeater module is a digital repeater).

**Regarding claim 7**, Scott et al. further teach the first and second portions are separate devices or a single device (see Figure 6 reference numerals 172 and 176, separate components in a single adaptive networking device).

**Regarding claim 8**, Scott et al. further teach further comprising a plurality of network connections for connecting the first and second portions to the first and second points (see Figure 6, connector ports 154).

**Regarding claim 9**, Scott et al. further teach the plurality of network connections are standardized Ethernet cable connections (see column 4 line 50, Ethernet LAN).

**Regarding claims 10 and 18**, Scott et al. disclose a bi-directional communication device comprising:

- a hub portion (see Figure 6, repeater module 176, a multi-port repeater is considered to be a hub);

- a switch portion (see Figure 6, switch module 172);

- a first plurality of connections for connecting the hub portion to a plurality of first points on a bi-directional communication network (see Figures 4 and 6, and column 10 lines 18-35, a plurality of first points corresponds to devices 26 and 28 in the second domain 16; the adaptive networking device 153 includes a bidirectional converter, thus,

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the network is a bidirectional network) and to a second point on the bi-directional communication network (see Figures 4 and 6 and column 10 lines 18-35, a second point corresponds to device 18 in the first domain 14) for transmitting messages from the second point to the first points (see Figure 6 and column 10 lines 36-47, data sent from device 18 (second point) in the first domain is received at the repeater module; the repeater module then re-transmits received data to all of the ports associated with the second domain, where second domain includes devices 26 and 28 (a plurality of first points)); and

a second plurality of connections for connecting the switch portion to the plurality of first points (see Figures 4 and 6, and column 10 lines 18-35, a plurality of first points corresponds to devices 26 and 28 in the second domain 16) and to the second point (see Figures 4 and 6 and column 10 lines 18-35, a second point corresponds to device 18 in the first domain 14) for transmitting messages from the same first points to the second point (see paragraph 6 and column 10 lines 47-58, transmitting data from data devices 26 and 28 (first points) in the second domain to the switch module, and then the switch module transmits the data to the appropriate port to which addressed devices are coupled, where the addressed device is data device 18 (second point) in the first domain);

Claim 18 is also rejected under the same reason as claim 10 above;

**Regarding claim 11**, Scott et al. further teach the hub portion is configured to transmit first messages from the second point to the plurality of first points (see column 10 lines 36-47, repeater module transmits received data to all of the ports associated

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with the second domain, where the received data is sent from a data device 18 in the first domain and all of the ports associated with the second domain are coupled with data devices 26 and 28 in the second domain).

**Regarding claim 12**, Scott et al. further teach the hub portion is configured to transmit the first messages without collision management (see column 10 lines 36-50, the repeater module transmits received data to all of the ports associated with the second domain (first point), which corresponds to free of collision management);

**Regarding claim 13**, Scott et al. further teach the switch portion is configured to transmit second messages from the plurality of first points to the second point (see column 10 lines 47-58, transmitting data from data devices 26 and 28 (first points) in the second domain to the switch module, and then the switch module transmits the data to the appropriate port to which addressed devices are coupled, where the addressed device is data device 18 (second point) in the first domain).

**Regarding claim 14**, Scott et al. further teach the switch portion is configured to manage collisions among the second messages (see column 9 lines 1-9 and column 10 lines 2-4 and 36-58, the switch module reduces the amount of data transmitted to each of the ports, which results in a reduced amount of collisions).

**Regarding claims 15 and 19**, Scott et al. further teach the network switch and the network hub are analog devices, digital devices, or any combination thereof ((see column 4 line 50, network 10 in accordance with Ethernet LAN as specified in IEEE 802.3; the switch module and the repeater module are digital devices).

**Regarding claims 16 and 20**, Scott et al. further teach the hub and switch portions are separate devices or a single device (see Figure 6 reference numerals 172 and 176, separate components in a single adaptive networking device).

**Regarding claim 17**, Scott et al. further teach the first and second plurality of connections are standardized Ethernet cable connections (see column 4 line 50, Ethernet LAN).

### ***Conclusion***

**4. Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.



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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAO SINKANTARAKORN whose telephone number is (571)270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-3:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pao Sinkantarakorn/  
Examiner, Art Unit 2416

/Ricky Ngo/  
Supervisory Patent Examiner, Art  
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PS